





APPENDIX 1477

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 48

AFFIDAVIT OF ROBERT WILLIAMS, M.D.

THE STATE OF TEXAS
COUNTY OF WALKER

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§

BEFORE ME, the undersigned authority, personally appeared Robert Williams, M.D., who, being by me duly sworn, deposed as follows:

I am the Deputy Director employed by the Texas Department of Criminal Justice, Health Services Division. I have fulfilled this duty since October 1, 2009.

The Health Services division was asked to search for and obtain documents related to the certain offender deaths that were presented to the Morbidity and Mortality Committee. In the process of doing so, electronic documents were identified that were located in the directory of Dr. Michael Kelley, who was my predecessor in the Health Services Division prior to his retirement in 2009.

In Dr. Kelley's directory, a file called 99-2000 was reviewed. This file was a Microsoft Excel spreadsheet. It appears to list cause of death information for offenders who died between 1999 and 2000. I am unaware of who created this document, when it was created, for what purpose, or based on what underlying data. A review of the information identified two offenders for whom the cause of death was labeled "heat stroke." It is my understanding that these offenders had not previously been identified in this litigation. A true and correct copy of this file is attached to this affidavit as Exhibit A.

It is my understanding that TDCJ Executive Services possess mortality data that goes back to 2001.

During this process I reviewed other electronic documents on the server for TDCJ Health Services to determine if any other electronic documents contain lists of offender deaths with cause of death information for years prior to 2001. Before conducting this review, I was not aware that such files were stored on the Health Services server. I reviewed several directories that might contain such information, including those with information possibly related to offender mortality. A file titled "death logconvert" was identified. This document is a Microsoft Access file that contains several different tables that have notations for cause of deaths between 1984-2003 in various forms. I do not know when each of these tables were created, for what purpose, or based on what underlying data, and I have no knowledge of their completeness or accuracy. To the best of my knowledge, these files and this data are not used or relied upon for any official activities of the health services division. The documents are attached under Exhibit B.

In my review of the "death logconvert" convert file, I identified one additional death where heat stroke was listed as a cause of death. Offender Adolpho Banda, who is noted to have died at the

Pack Unit on July 30, 1986, and the cause of death was listed as "heat stroke." Offender Banda's age was listed as 30. I was unable to locate any additional information regarding this incident.

With respects to attachments A and B and other documents reviewed, I have not identified any other previously unidentified deaths where the cause of death was listed as heat stroke or hyperthermia that is not contained in the data held by TDCJ Executive Services.

In addition, the documents attached as Exhibit C include documents in the directory of Dr. Kelley under a folder titled "Policy" and sub-folder titled "Heat Stress." I do not have personal knowledge of the source of these documents, whether or when they were reviewed, or for what purpose and I have no knowledge of their completeness or accuracy.

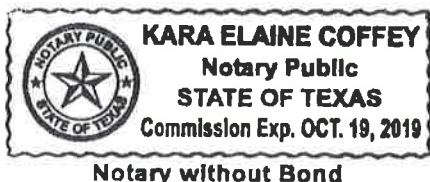
Finally, attached to this affidavit under Exhibit D are documents contained in a file used by an administrative assistant who conducted work related to the M&M committee. The documents in this file appear to have been prepared by Paul Hardy, who was an administrative assistant employed by TDCJ. They appear to track the presentation of different cases at M&M committee meetings between 2010 and 2012. I do not have knowledge of their completeness or accuracy.


Further the affiant sayeth not.


AFFIANT

Robert Lewis Williams

SWORN TO AND SUBSCRIBED BEFORE ME, by the said Robert Lewis Williams on this the 3rd day of May, 2016 to certify which witness my hand and seal of office.




Notary Public in and for the State of Texas
Printed Name: Kara Elaine Coffey
My Commission Expires: 10-19-2019

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CIVIL NO. 4:14-CV-3253

Exhibit 49

Rheams, James

From: Rheams, James
Sent: Monday, May 16, 2016 12:15 PM
To: Rheams, James
Subject: Emailing: The Victoria Advocate - Google News Archive Search

Try a fast, secure browser with updates built in [Yes, get Chrome now](#) [No, not interested](#)
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The Victoria Advocate - Aug 2, 1986

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of
43 [\[Go\]](#)

THE VICTORIA ALBIONITE, Saturday August 2, 1900--34.



Friday afternoon, despite a light rain, the ceremony at the new post office building drew a large crowd. The Mayor, the Mayor's wife, and the Mayor's children were present. The Mayor gave the invocation, and the Mayor's wife gave the opening prayer. The Mayor then presented the keys to the new post office building to the postmaster. The ceremony was a success, and the new post office building is now open for business.

Undersecretary Canada's Minister who oversees CIDA, international development programs, said he was not sure that the administration was going to be able to do anything that would be as effective as the current aid program and cheaper way to spend the aid in the northeast.

There may be one thing that will cause a decrease in aid, says the representative of who would have the final say. And that is the fact that the market is not the U.S. government.

And that's what the biggest problem with the current aid is, says the representative of the U.S. government. He says that the U.S. government is not going to be able to do anything that would be as effective as the current aid program and cheaper way to spend the aid in the northeast.

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1483

1463

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The Weather

Case 4:14-cv-03253

Document 238-34

Filed on 06/17/16 in TXSD

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TDCJ 108464

Temperatures Soar in Texas Heat Wave

By The Associated Press

Temperatures soared over 100 degrees throughout much of Texas for the eighth consecutive day on Friday in a heat wave blamed for five deaths this week.

In Navasota, about 120 Texas prison inmates refused to work Friday morning in protest over the heat-related death of an inmate earlier this week, prison officials said.

At 4 p.m. Friday, it was 106 at Wichita Falls, 104 at Sherman and Waco, 103 at Dallas, Fort Worth, and Tyler, 102 at Temple, and 101 at Longview and Abilene, the National Weather Service said.

Charles Weaver, an Austin construction worker, collapsed at a city electrical substation in a record-setting 103-degree day Thursday. An autopsy determined he died of heatstroke, said Travis County Medical Examiner Roberto Bayardo.

His death followed the Wednesday heat-related deaths of 41-year-old Steve Tisdale, found along a roadside in Dallas, and Adolfo Banda, 30, a Texas Department of Corrections inmate who died while working in a field.

The inmates at the TDC Pack 1 Unit in Navasota remained in their cells when they were called for work duty about 11 a.m., TDC spokesman David Nunnelee said.

The inmates normally begin their outdoor work duty at noon, according to Warden Bobby D. Morgan. Morgan said he talked to the inmates and they agreed to work between 7 a.m. and noon to avoid the scorching summer weather.

He said most inmates agreed to go to work under the conditions. About 40 inmates who refused to work were shipped to the Eastham Unit near Lovelady and the Coffield Unit near Tennessee Colony.

Heat also was believed to be a contributing factor in the death of a 75-year-old San Antonio man found dead Thursday in his fourth floor apartment at a low-income complex without air conditioning.

On Sunday a 2-year-old boy died at Magnolia after spending more than an hour locked in his father's car. The boy's father and grandfather were attending a baseball game and said they did not realize the child was in the car. San Antonio officials are investigating a sixth death — that of a 58-year-old man who died Saturday while working in his yard.

Earlier this month, a 90-year-old woman died of heatstroke in her San Antonio home July 24 and a 40-year-old man collapsed while working in a warehouse, said Vincent D. Dumas, Bexar County chief medical examiner. He died at Northeast Baptist Hospital in San Antonio July 16.

WASHINGTON (AP) — The Reagan administration announced greater drought aid to sun-baked Southeastern farmers Friday, a move intended in part to head off pending legislation that officials said would be more expensive and less efficient.

Drought and heat have caused farm losses estimated at more than \$2.3 billion. Special loan programs and other federal aid have been made available this week in 189 counties in Alabama, Delaware, Maryland, North Carolina, South Carolina and Virginia.

A key item in the package unveiled by Agriculture Secretary Richard E. Lyng included larger advances on subsidies due farmers this year, to be paid in "generic certificates" that can be sold for cash or redeemed for surplus grain owned by the federal Commodity Credit Corp.

"To help make grain available to livestock, CCC is moving grain from storage facilities in the Midwest where crops are good, to areas in the Southeast where storage is available," Lyng said at a news conference.

The CCC is the Agriculture Department's main financing arm for commodity programs and is the keeper of government-owned grain and other surplus commodities taken over by taxpayers.

Lyng said also the department's feed cost-sharing program will enable livestock producers to get CCC certificates to pay for up to 50 percent of the cost of feed, including hay, not to exceed 5 cents per pound. Previously, the limit was 3 cents.

Rep. Kika de la Garza, D-Texas, chairman of the House Agriculture Committee, applauded Lyng's announcement but said it fell short of meeting needs of drought-stricken farmers.

"Farmers in drought areas need more comprehensive help tailored to be responsive to budget problems," de la Garza said, adding that it will be necessary for Congress to continue with its own aid legislation.

Late Thursday, Sens. Albert Gore and Jim Sasser, D-Tenn., offered an amendment that was similar to a drought relief measure approved on Wednesday the House Agriculture Committee, including provisions for

direct donations of surplus commodities from CCC stockpiles.

Friday afternoon, despite Lyng's announcement of the new aid, the full Senate accepted the Gore-Sasser measure as a rider to a bill increasing the federal debt limit.

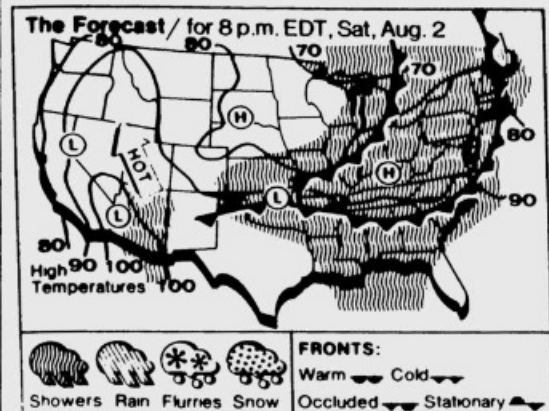
Undersecretary Daniel G. Amstutz, who oversees USDA international and commodity programs, said in an interview that the administration opted for giving certificates because that would be the quickest, most efficient and cheapest way to speed relief to the Southeast.

"Farmers can use those certificates to acquire feed supplies regardless of who owns those feed supplies," Amstutz said. "They can buy from the market or from the U.S. government."

Amstutz said. The biggest problem with the Sasser bill is cost which we figure is \$1.1 billion. OMB, the Office of Management and Budget, thinks it's closer to \$1.5 billion and that it forces all the supply to come from the U.S. government inventory.



FRIDAY'S SATELLITE PICTURE



FORECAST FOR SATURDAY

Sunny and very hot Saturday and Sunday, with a high temperature near 100. Fair both nights, with a temperature in the upper 70s. Southeastern winds near 10 mph Saturday.

Friday's temperatures: A high of 100, low of 78.

The Moon

Last Q1. New First Q1 Full



July 28 Aug 3 Aug 12 Aug 19
Moonrise Saturday 2:44 a.m. Moonset 5:30 p.m.

South Texas

Generally fair Saturday night, lows in the low 80s coast, 70s inland. Mostly sunny and unseasonably hot Saturday and Sunday. Highs in the 90s coast, 100 to 106 inland.

5-Day Forecast

South Texas — Isolated thunder-showers southeast Texas, coastal and extreme south. Continued hot, highs near 90 along the coast to 100 to

Weather Elsewhere

By The Associated Press
Friday

	HI	Lo	Prc	OTK
Albany, N.Y.	82	65	1.04	cld
Albuquerque	95	64	0.03	cld
Amarillo	97	65	0.01	cld
Anchorage	60	53	0.01	cld
Asheville	89	61	0.01	cld
Atlanta	92	67	1.56	cld
Atlantic City	80	71	0.01	rn
Austin	102	76	0.01	cld
Baltimore	87	70	0.01	cld
Birmingham	84	52	0.01	cld
Bismarck	98	79	0.01	cld
Boise	74	51	0.01	cld
Boston	76	64	0.01	rn
Brownsville	98	76	0.01	cld
Buffalo	76	65	0.01	cld
Burlington, Vt.	76	63	0.01	cld
Casper	83	50	0.01	cld

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CIVIL NO. 4:14-CV-3253

Exhibit 50

AFFIDAVIT

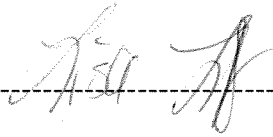
THE STATE OF TEXAS ()
 ()
COUNTY OF WALKER ()

BEFORE ME, the undersigned authority, on this day personally appeared Lisa Lopez, who after being by me duly sworn, deposed and stated as follows:

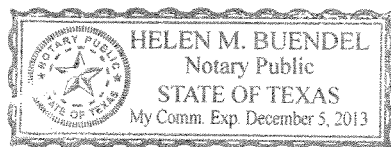
My name is Lisa Lopez. I am over twenty-one years of age, of sound mind, capable of making this Affidavit and personally acquainted with the facts herein stated.

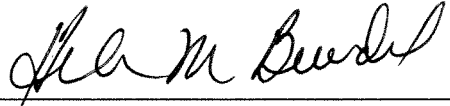
I am employed as the ASSISTANT DIRECTOR HEALTH INFORMATION MANAGEMENT, for the UTMB Managed Care, Texas Department of Criminal Justice, and my office is located in Huntsville, Texas. I do hereby certify that I am the Custodian of Death Records maintained in the regular course of business on each and every inmate who dies while incarcerated in the Texas Department of Criminal Justice-Institutional Division. I have examined the Health Services Archives files pertaining to offender **WHITE, ARCHIE TDCJ # 536796**, and found that said files contains the requested information, that being the Autopsy report for said offender.


I swear under penalty of perjury that the foregoing is true and correct.
Executed on **November 8, 2013**


Signature
Lisa Lopez-RHIA-ASSISTANT
Director of Health Information Management
UTMB Managed Care/TDCJ-ID
Huntsville, Texas 77320

SWORN TO AND SUBSCRIBED BEFORE ME on this the day of November 8, 2013, by the said Lisa Lopez, to certify which witnesses my hand and seal of office.




Notary Public in and for the State Texas


Printed Name of Notary Public

Lubbock County Medical Examiner's Office

3502 9th Street, Suite 390
Lubbock, Texas 79415

ENR. (V)

AUTOPSY REPORT

Name: Archie White

Case No: FA-8426

Approximate Age: 48 years

Sex: Male

Height: 69 Inches

Weight: 224 pounds

Autopsy Authorized By: Marlon A. Smith, Justice of the Peace, Jones County, Texas

DX- 6-29-98
536796

I, hereby certify that on the 30th day of June 1998, beginning at 0830 hours, I, Glen R. Groben, M.D., performed an autopsy on the body of Archie White at the Lubbock County Medical Examiner's Office in Lubbock, Texas and upon investigation of the essential facts concerning the circumstances of the death and history of the case, I am of the opinion that the findings, cause and manner of death are as follows:

FINDINGS:

- I. Exogenous hyperthermia:
 - A. Elevated core body temperature (104 degrees rectal).
 - B. No medical disease to explain this death.
 - C. No injuries.
- II. No assault-type or lethal injuries.
- III. Generalized organ congestion.

8/17/98 COPIED
AND MAILED
D.R. LUSTHARDT
SOC
ITD

TOXICOLOGY:

Drugs of Abuse Screen

Urine tricyclic antidepressants

Positive

FPIA Screen

Blood salicylate

Quantity not sufficient

Continued on next page

FA-8426
Archie White

Common Basic Screen

Blood amitriptyline	Negative
Blood nortriptyline	Negative
Blood doxepin	Negative
Blood desipramine	Negative
Blood imipramine	Negative

Quantitative Tests

Blood alcohol, ethyl	Negative
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Other Tests

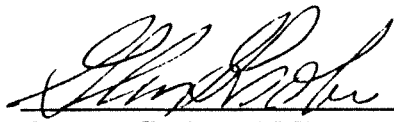
Urine acetaminophen	Negative
Vitreous electrolytes	See attached report

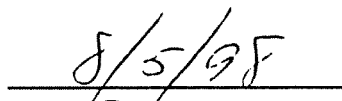
COMMENT: This 48 year old male died from complications of an elevated core body temperature (heat stroke). According to his medical records and investigation, he was being transported in a van when he became unresponsive. According to records, his body temperature was 104 degrees at 1700. This temperature was reportedly an axillary temperature, not rectal. He was then transferred to the Hendrick Medical Center where his temperature was 104 degrees by rectal measurement at 1811. Toxicology was negative and vitreous electrolytes showed a normal postmortem pattern. The electrolyte studies were performed on postmortem vitreous samples which gives a distorted view as the decedent received fluids prior to death. The only other electrolytes found were performed at 1830 on 6-29-98, which also were done after fluids were given. These fluids would have distorted a pattern of dehydration that may have existed at the time of collapse.

In the absence of medical diseases or trauma, the cause of death is due to a prolonged elevated core body temperature (exogenous hyperthermia).

CAUSE OF DEATH: Exogenous Hyperthermia.

MANNER OF DEATH: To be determined by the Justice of the Peace.


Glen R. Groben, M.D.


Date

De FA-8426
Archie White

GROSS ANATOMIC DESCRIPTION

I. CLOTHING AND PERSONAL ITEMS: None.

II. MEDICAL INTERVENTION:

1. plastic airway in the nose
2. tracheostomy tube that was in the proper position
3. Foley catheter
4. IV catheter in the back of the right hand
5. pacer pads and EKG pads over the anterior chest and left flank
6. bandage over a 1-1/4 inch sutured incision over the anterior surface of the left ankle

III. EXTERNAL BODY EXAMINATION: The body is that of a normally developed, adult black male appearing the stated age of 48 years with a body length of 69 inches and body weight of 224 pounds. Body presents with heavy build and good preservation. Rigor is complete. Lividity is dark and posterior. Body is cold to touch post refrigeration. The head is covered by short black hair intermixed with gray. There is stubble for a mustache and beard. The irides are brown. The conjunctivae are congested, but there are no bulbar or palpebral conjunctival petechial hemorrhages. Nasal cavities are unremarkable with intact septum. Oral cavity is intact and without injury. Teeth are natural and in fair repair, although there are two upper central incisors and one of the left bicuspid missing. Ears are unremarkable with no hemorrhage in the external auditory canals. Neck is rigid due to postmortem changes and there are no palpable masses or acute injuries. Chest, back and abdomen are without acute injury. Abdomen is protrudent. Upper and lower extremities are equal and symmetrical and there are no acute injuries. The hands are without injury. External genitalia present with normal uncircumcised male with two descended testes. There are no injuries. The anus is intact and without injury.

IV. SCARS AND TATTOOS: None identified other than small irregular scars over the anterior surface of both lower extremities.

V. INTERNAL EXAMINATION: A Y-shaped thoraco-abdominal incision is made and the organs are examined in situ and eviscerated in the usual fashion. The subcutaneous fat is normally distributed, moist and bright yellow. The musculature of the chest and abdominal area is of normal color and texture.

1. SEROUS CAVITIES: The chest wall is intact without rib, sternal or clavicular fractures. The pleura and peritoneum are congested, smooth, glistening and essentially dry, devoid of adhesions or effusion. There is no scoliosis, kyphosis or lordosis present. The left and right diaphragms are in their normal location and appear grossly unremarkable. Pericardial sac is intact,

DL FA-8426
Archie White

smooth, glistening and contains normal amounts of serous fluid.

2. **CARDIOVASCULAR SYSTEM:** The heart weighs 389 grams. The aorta, pulmonary artery and coronary arteries arise and course normally. The coronary arteries show little atherosclerotic change. Left ventricular wall thickness is 1.5 cms and shows no evidence of scarring or recent infarction. Cardiac valves are thin and pliable and there are no vegetations. The aorta is intact along its length and shows a few uncomplicated plaques along the abdominal aorta.

3. **PULMONARY SYSTEM:** The neck presents an intact hyoid bone as well as thyroid and cricoid cartilages. The larynx is comprised of unremarkable vocal cords and folds, appearing widely patent without foreign material, and is lined by smooth, glistening membrane. The epiglottis is a characteristic plate-like structure without edema, trauma or pathological lesions. Both the musculature and the vasculature of the anterior neck are unremarkable. The trachea and spine are in the midline presenting no traumatic injuries or pathological lesions.

The right and left lungs weigh 790 and 751 grams, respectively. The pleural surfaces are smooth and show anthracotic change. The lung parenchyma is congested, although there are no areas of consolidation or mass lesions. The trachea and main bronchi are intact along their length, other than the tracheostomy incisions. The trachea is lined by a thin film of blood secondary to the incision. Otherwise, the trachea and main bronchi are widely patent and show no mucous plugging or foreign debris. There are no pulmonary thrombo-emboli.

4. **GASTROINTESTINAL SYSTEM:** The esophagus is intact with normal gastro-esophageal junction and without erosions or varices. The stomach is also normal without gastritis or ulcers. The stomach contains approximately 100 cc of thin liquid containing food particles resembling dark meat and unidentifiable vegetable matter. Loops of small and large bowel appear grossly unremarkable. The appendix is absent. There is no hemorrhage within the mesentery or along the serosal surface of the small and large bowel. The ligament of Treitz and falciform ligaments are intact.

The liver weighs 2090 grams. The capsule is intact. The parenchyma is congested. There are no mass lesions. The gallbladder contained about 15 cc of greenish bile. There is no cholecystitis or cholelithiasis. The biliary tree is patent. The pancreas presents a lobulated, yellow cut surface without acute or chronic pancreatitis.

5. **GENITOURINARY SYSTEM:** The left and right kidneys weigh 367 grams, combined. The capsules strip with ease and the cortical surfaces are smooth, brown, glistening and very congested. On sectioning, the cortex presents a normal thickness above the medulla. The renal columns of Bertin extend between the well demarcated pyramids and appear unremarkable. The medulla presents normal renal pyramids with unremarkable papillae. The pelvis is of normal size.

06 FA-8426
Archie White

and lined by gray, glistening mucosa. There are no calculi. Renal arteries and veins are normal.

The ureters are of normal caliber lying in their course within the retro peritoneum and draining into an unremarkable urinary bladder devoid of urine. There was urine in the Foley bag. External genitalia present an uncircumcised penis without hypospadias, epispadias or phimosis. There are no infectious lesions or tumors noted. The descended testicles are of normal size encased within an intact and unremarkable scrotal sac and on palpation abnormal masses or hernias are not present. The prostate is of normal size and shape and sectioning presents normal two lateral lobes with median lobe forming the floor of the unremarkable urethra. There are no gross pathological lesions.

6. HEMATOPOIETIC SYSTEM: The spleen weighs 163 grams presenting a gray, smooth capsule and on sectioning reveals a reddish-brown soft splenic pulp. There is no lymphadenopathy.

7. ENDOCRINE SYSTEM: The thyroid gland is of normal size and shape presenting two well-defined lobes with connecting isthmus and a beefy brown cut surface. There are no goitrous changes or adenomas present. The adrenal glands are of normal size and shape, and sectioning presents no gross pathological lesions. The pituitary gland is encased within an intact sella turcica and presents no gross pathological lesions.

8. CENTRAL NERVOUS SYSTEM: A scalp incision, craniotomy and evacuation of the brain are carried out in the usual fashion.

The scalp is intact without contusions or lacerations. The calvarium is likewise intact without bony abnormalities or fractures.

The brain weighs 1382 grams presenting without congestion of the leptomeninges. The overlying dura is intact and unremarkable. There is no epidural, subdural or subarachnoid hemorrhage. The cerebral hemispheres reveal a normal gyral pattern without evidence of edema. The brainstem and cerebelli are intact. There is no evidence of cerebellar tonsillar notching. The Circle of Willis is patent presenting no evidence of thrombosis or berry aneurysm. Coronal sections reveal a normal gray-white junction without hemorrhages or contusions. The intraventricular spaces contain only clear fluid. There are no mass lesions.

9. MICROSCOPIC EXAMINATION:

Heart: no scarring and no inflammatory infiltrate; there is no evidence of acute infarction or subendocardial hemorrhage.

Lungs: congestion and pulmonary edema.

OW FA-8426
Archie White

Liver: mild fatty infiltration and an increased number of lymphocytes within the portal tracts; the inflammation is limited to the portal tracts and there is no evidence of piecemeal necrosis.

Spleen, pancreas and thyroid: within normal limits.

Brain: no hemorrhages or inflammatory infiltrate; there are no anoxic changes; the meninges are thin and free of inflammation.

SPECIMENS AND EVIDENCE COLLECTED

1. admission blood, 60 ml of femoral vein blood, bile, urine, vitreous, liver and gastric
2. representative tissue sections include: heart, lungs, liver, kidney, adrenal, thyroid, coronary arteries, pancreas and spleen; remaining sections are retained at the Lubbock County Medical Examiner's Office
3. photographs are taken and retained by this office

GRG:lr

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 51

AFFIDAVIT

THE STATE OF TEXAS §
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COUNTY OF DALLAS §

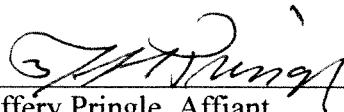
BEFORE ME, the undersigned authority, personally appeared Jeffery Pringle, known to me to be a credible person over the age of 18 years, who, being duly sworn by me, did depose and say that the following is true and correct:

“My name is Jeffery Pringle. I am of sound mind; capable of making this affidavit; and I am authorized to make this affidavit in the capacity herein stated. I am personally acquainted with the facts herein stated.

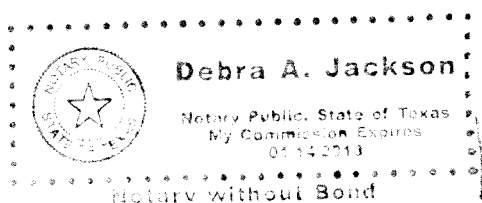
“I am employed as Warden for the Texas Department of Criminal Justice (“TDCJ”) Hutchins Unit located in Dallas, Texas, and do hereby certify that I am the custodian of records maintained in the regular course of business of the TDCJ.

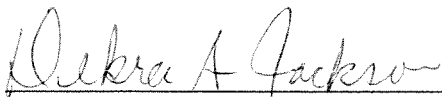
“I have reviewed the records you have requested; and hereby certify that the attached copies of documents are true and correct copies of the original records now on file in my custody. I further certify that the records attached hereto are maintained in the usual and regular course of business at the TDCJ. The entries made and/or documents created were created at or about the time of the occurrence, or reasonable soon thereafter, by an employee or representative of TDCJ with knowledge of the act, event, condition, opinion, or diagnosis reflected in the records, and that such records are maintained on each and every offender confined here.

“Attached are copies of the records requested consisting of 1053 pages and described as 1). Diagram of C7 Dorm, 2). Memo for ice process, 3). Temperature Readings from 12-17-2010 to 11-27-2012, 4). Accreditation Reports May 2010 and August 2007, 5) There are no Audio or Video Recordings, 6) Work Orders, 7) Heat Training Reviewed by Warden Pringle Prior to 7-22-11, 8) Manuals for Air Handlers, 9). Staff Identified as who Authorized Placement Location.


Jeffery Pringle, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME on December 13, 2012, by the said, Jeff Pringle to certify which, witness my hand and seal of office.




Notary Public in and for the State of Texas

Texas Department of Criminal Justice
CORRECTIONAL INSTITUTIONS DIVISION
Inter-Office Communications

To: All Concerned Date: June 1, 2011

From: Captain K. Session  Subject: Summer Heat Preparations

This memo is being sent to address the unit's response to summer heat related issues.

1. All employees will receive training on Heat Related Illnesses to include the signs of Heat Stress, Heat Exhaustion and heat Stroke. Each employee will be issued a card to carry on their person about these issues as a reference.
2. The unit currently has cool drinking water, juice, and tea available to the staff. The beverages are provided to the staff as requested throughout the day. Additionally staff members are allowed to bring beverages into the unit to consume while on duty.
3. The Hutchins Unit restricts work activity for any offender working outside when the temperature exceeds 95 degrees.
4. All staff and offenders at the facility who work outside are rotated into cool environments that allow them access to either air conditioning or fans. This is done every two hours throughout the day.
5. Offender psychiatric patients are transported in air conditioned vehicles on an as needed basis. All transports utilizing TDCJ chain buses leave the facility by 0730 hours.
6. The Unit Classification Department screens all outgoing chain offenders to ensure the mode of transportation for each offender is adequate and does not expose the offender to extreme heat for an extended period of time.
7. The unit commissary does not sell fans.
8. Transfer vehicles are immediately allowed into the facility and the offenders are off loaded quickly. If there is any delay; a fan is placed at the front and the rear of the vehicle.
9. The Hutchins Unit places paper towels and regular towels in the back of all transport vehicles to be wet down and used in emergency situations.
10. Water coolers are refilled as needed when the transportation buses arrive at the facility.
11. Ribbons are attached to the vents in the offender housing areas and in the buildings to ensure that air is flowing through the system properly. The unit purge fans are left on to remove hot air during the summer months.
12. Offenders are allowed free and frequent access to the showers. Additionally the temperature is turned down so that the water is cooler to the body when they shower.

13. Offenders are allowed to wear commissary purchased shorts and t-shirts while in the housing area dayrooms.
14. The Hutchins Unit provides cool drinking water to the offender population at meal times.
15. The staff at the Hutchins Unit rotates every two hours on any post that is exposed to the heat for extended periods. The officers are rotated into posts where air conditioning is in use. This allows the employee to cool down while performing their duties.

CC: Warden Pringle
Warden Polk
Major May
File

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
Plaintiffs,

v.

BRAD LIVINGSTON, *et al.*,
Defendants.

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CIVIL NO. 4:14-CV-3253

Exhibit 52


BUSINESS RECORDS DECLARATION OF
MICHAEL MACKEY, ASSISTANT WARDEN

"I am over 21 years of age, of sound mind, capable of making this declaration, and personally acquainted with the facts herein stated.

"I am the custodian of records for the Hutchins State Jail of the Texas Department of Criminal Justice ("TDCJ"). Attached are true and correct copies of the Hutchins Unit SOP relating to temperatures extremes and hot weather between January 1, 2011 through April 30, 2011 and June 1, 2011 through December 2012, records which are kept by the TDCJ in the regular course of its business activity. The entries of such records were made as a regularly conducted activity and a regular practice of the TDCJ, and were made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters."

"My name is Michael Mackey, and I am an employee of the TDCJ, a governmental agency. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Dallas County, State of Texas, on the 12 day of October, 2015.



Michael Mackey, Assistant Warden
Hutchins State Jail
Texas Department of Criminal Justice

Texas Department of Criminal Justice
Correctional Institutions Division
Inter-Office Communications

To: All Concerned Date: August 6, 2008

From: Captain K. Session. *KQ* Subject: Summer Heat Precautions

In an effort to reduce heat related illnesses and injuries due to extreme heat conditions, the following heat related precautions and procedures will be followed by the staff assigned to the Hutchins Unit. This procedure will be in addition to Administrative Directive 10.64 "Temperature Extremes in the Workplace" and Health Services policy B-15.5 "Heat Stress".

The Hutchins Unit staff will receive annual training on Heat Related Illnesses as required by TDCJ. Each employee on the facility will be issued a "Recognition of Heat Illness" card by the Unit Risk Management Coordinator upon their arrival to the unit. This card is to be carried on the employee's person while on duty. The staff will read the card and familiarize themselves with the signs of Heat Exhaustion, Heat Collapse, and Heat Stroke. The staff will also be aware of the Treatment and Prevention steps to be taken for each of these illnesses.

Staff assigned to outside duty positions (i.e. gates, recreation yards, utility, escort officers) during times of extreme heat will be rotated out of the heat at least every two (2) hours and allowed to work an inside position. This may be decreased to every hour at the discretion of the Unit Risk Management Coordinator or any security supervisor. Cool drinking water will be provided at regular intervals to the staff assigned to outside positions where the staff member cannot leave the area. Frequent water breaks will be provided to staff members working in Field Squads, Yard Squads, and Maintenance. Staff members are to immediately contact their supervisor if they begin to experience any symptoms of heat related illness or if they witness another staff member or an offender display any symptoms of a heat related illness or injury. Upon notification of a possible heat related illness or injury, supervisors will take appropriate action as deemed necessary to provide for the care of the affected staff member or offender.

During times of extreme heat the aforementioned procedures will be followed for the offender workers and offenders inside the unit's housing areas. Any offender working outside in the heat will be provided frequent water breaks. Offenders should take frequent breaks in shaded areas when possible. Offenders will be allowed to wear commissary purchased gym shorts or pants and commissary purchased t-shirts in the housing area dayrooms. Offenders will also be allowed to wear shorts and t-shirts on the outside recreation yards. Offenders will not wear their boxer shorts while in the dayrooms or on the recreation yards. Offenders in dormitory type housing will be given free and frequent access to take showers in their assigned dorm when the dayroom opens. Air handlers should remain free of obstructions to allow air circulation in the housing areas. Fans will be installed in the dayroom areas to allow circulation of fresh air throughout the dorm. The purge fans in the dorms may be turned on at the Warden's discretion to allow for fresh air circulation during the hotter parts of the day. Offenders will be provided cool drinking water at every meal. Offenders will be provided additional cool drinking water in the housing areas at regular intervals during the hotter periods of the day. Water fountains are installed on the recreation yards to allow for cool drinking water while offenders are on the recreation yards.

Unless scheduling will not permit, offenders on the Hutchins Unit who are transported off the unit will only be transported during the cooler parts of the day (early morning, later evening). Psychiatric patients will also be transported during cooler parts of the day. The medical department will be contacted to review those offenders who are taking psychotropic medications prior to them being transported off the unit when possible. Any TDCJ transfer vehicle entering the unit through the unit Back gate will be inspected and sent to its destination upon arrival at the unit Back gate and unloaded as quickly as possible. If the vehicle is not unloaded within 15 minutes, a fan will be placed at the front entrance of the vehicle and at the rear entrance of the vehicle to allow for air circulation until the offenders have been unloaded.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN MCCOLLUM, *et al.*,
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CIVIL NO. 4:14-CV-3253

Exhibit 53

CORRECTIONAL MANAGED HEALTH CARE POLICY MANUAL	Effective Date: 01/07	NUMBER: E-34.1
	Replaces: 3-10	Page <u>1</u> of <u>1</u>
	Formulated: 10/85 Reviewed: 02/11	
HEALTH APPRAISAL OF INCOMING OFFENDERS		

PURPOSE: To describe a mechanism for assessing the health status of incoming offenders.

POLICY: A comprehensive medical evaluation will be completed on all new incoming offenders within seven days of their arrival in the system. Offenders who have had a health appraisal in TDCJ within the previous ninety (90) days are evaluated at the discretion of the facility health authority/medical director.

PROCEDURE:

- I. Reception and Diagnostic Facilities (New Offenders)
 - A. Appraisal of new offenders consists of obtaining personal and medical baseline data; medical, mental health and dental histories; physical, dental and mental health assessments; and diagnostic procedures as needed.
 - B. Offenders are screened for communicable diseases and pregnancy.
 - C. Offenders are provided with appropriate inoculations.
 - D. Offenders' health records are requested from free-world physicians as needed.
 - E. Offenders identified as requiring further mental health assessment are interviewed, tested and evaluated by a qualified mental health professional. (See Health Services Policy E-35).
 - F. The automated "Health Summary for Classification" screen is updated as needed for each new arrival (see Health Services Policy A-08.4).
 - G. Medications, appointments and referrals are scheduled as appropriate, based on the results of the health appraisal.

Index: Diagnostic, health appraisal
Health assessment

Reference: 2008 NCCHC Standard P-E-03, Transfer Screening (essential)
ACA Standard 4-4362 (Ref. 3-4343), Health Screens (Mandatory)
ACA Standard 4-4365 (Ref. 3-4345) Health Appraisal (Mandatory)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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CIVIL NO. 4:14-CV-3253

Exhibit 54

Hutchins Unit Facility Process Manual	Effective Date:	10/95	NUMBER: E-41.1
	Reviewed:	11/09	
	Replaces:	NEW	Page 1 of 2
	Formulated:	05/95	
EMERGENCY SERVICES			

FACILITY POLICY:

Offenders receive 24-hour emergency health care for acute illnesses* or unexpected health needs that cannot be deferred until the next scheduled sick call or clinic. All Health Services and Security staff are familiar and comply with the procedures for obtaining emergency medical care and responding to emergencies. Ambulance transportation for the movement of any offender whose medical condition requires this mode of travel is provided.

FACILITY PROCESS:

- I.
 - A. Emergency room services are available on-site at Hutchins Unit Monday-Friday from 0600 until 2000 and Saturday-Sunday from 0600 until 1800. Emergency services are documented in the health record using the Emergency Room Record form HSM-16.
 - B. Emergency drugs, medical supplies and equipment are regularly maintained and accessible in the event of an emergency, including:
 1. Automated External Defibrillator
 2. EKG
 3. Oxygen
 4. Emergency Drugs (Attachment A)
 5. Nebulizer
- II. A copy of the Health Services Emergency Plan is located at Central Control and in the Health Services Department Emergency Room for ready access to both Health Services and Security staff.. The plan contains:
 - A. Emergency Contact Phone Numbers
 - B. Nurse On-Call Schedule
 - C. Provider On-Call Schedule (Emergency Room copy)
- III. A physician/mid-level provider or the senior Health Services provider on-site determines whether to transfer a patient for further medical care, choice of appropriate facility and mode of

Hutchins Unit Facility Process Manual	Effective Date:	10/95	NUMBER: E-41.1
	Reviewed:	11/09	
	Replaces:	NEW	Page 2 of 2
	Formulated:	05/95	
EMERGENCY SERVICES			

transportation, in compliance with Utilization Review protocols. See Hutchins Facility Processes A-08.2 Transfer of Offenders With Acute Conditions and D-30.1 Hospital And Specialized Ambulatory Care.

- IV. In the event of a potential emergency situation during times when Health Services staff are not on-site, the ranking Security officer on the facility contacts the nurse on-call to advise of the situation. Depending on the severity of the injury/illness, the nurse on-call may report to the facility to triage the offender, contact the physician/mid-level provider on-call for consultation, advise Security to contact UTMB EMS Dispatch, or advise Security the offender will be assessed the following morning.

- * Acute illness, for mental health conditions, includes significant hallucinations/delusions, bizarre behavior or appearance, or risk of self-injury.

Reference:

ACA Standard 4-4203

Hutchins Facility Process A-08.2 Transfer of Offenders With Acute Conditions

Hutchins Facility Process D-30.1 Hospital And Specialized Ambulatory Care

UTMB CMC Pharmacy Policy 60-05

Hutchins Facility Health Services Emergency Plan

Hutchins Facility Process E-41.1
Attachment A

EMERGENCY DRUGS TO BE KEPT IN FACILITY EMERGENCY BOXES
FOR FACILITIES WITHOUT INFIRMARIES

Agent	Quantity	Expiration Date
Activated Charcoal 50mg/Tube	1	
Ammonia Inhalant – 12 Inhalants/Box	1	
Aspirin 325mg Tablets – UD packet contains 2 tablets	1	
Dextrose 40% Oral Gel (Glucose) – 15 grams/Tube	2	
Dextrose 50% - 50 cc Syringe	1	
Diphenhydramine HCl 50 mg/cc (Benadryl) 1 cc Vial	2	
Epinephrine 1:1,000 1mg/cc SC 1cc Ampule	2	
Glucagon 1mg	2	
Lidocaine 2% Jelly 30ml Tube (Xylocaine)	1	
Lorazepam 2mg/ml injection - 1ml Vial	2*	
Methylprednisolone Sodium Succinate 125mg Vial	1	
Naloxone HCl 0.4mg/ml 1ml Ampule or Vial	2	
Nitroglycerine tablets 1/150gr SL Tablets (Bottle of 25)	1	

* Lorazepam – Controlled substance. Must be secured, but readily available. Must be refrigerated.

Hutchins Unit Facility Process Manual	Effective Date:	1/4/2012	NUMBER: E-41.1
	Reviewed:	05/12	
	Replaces:	03/09	Page 1 of 2
	Formulated:	05/95	
EMERGENCY SERVICES			

FACILITY POLICY:

Offenders receive 24-hour emergency health care for acute illnesses or unexpected health needs that cannot be deferred until the next scheduled sick call or clinic. All Health Services and Security staff are familiar and comply with the procedures for obtaining emergency medical care and responding to emergencies. Ambulance transportation for the movement of any offender whose medical condition requires this mode of travel is provided.

Emergency room services are available on site at Hutchins State Jail during regular hours of operation and are documented on an appropriate Emergency Room Record Form (HSM-16). A plan for emergency services is in place to cover off hours and for levels of services not available at the facility.

FACILITY PROCESS:

- I. A. Emergency room services are available on-site at Hutchins Unit 7 days a week from 0600 until 1800. Emergency services are documented in the health record using the Emergency Room Record form HSM-16.
- B. A copy of the Health Services Emergency Plan is located at Central Control and in the Health Services Department Emergency Room for ready access to both Health Services and Security staff.. The plan contains:
 1. Emergency contact phone numbers
 2. HUB phone number
 3. Ambulance services
 4. Nurse on-call schedule
 5. Provider on-call schedule
- II. The decision to transfer a patient for further medical care, choice of appropriate facility and mode of transportation are determined by the physician or senior Health Services provider in compliance with Utilization Review protocols. See Health Services Policy A-08.2 for notification of transfer procedures.
- III. Emergency drugs, medical supplies and equipment are regularly maintained and accessible in the event of an emergency as defined in Pharmacy Policy 60-05 Attachment B, including:
 1. Automated External Defibrillator

Hutchins Unit Facility Process Manual	Effective Date:	1/4/2012	NUMBER: E-41.1
	Reviewed:	05/12	
	Replaces:	03/09	Page 2 of 2
	Formulated:	05/95	
EMERGENCY SERVICES			

2. EKG
 3. Oxygen
 4. Emergency Drugs (Attachment A)
 5. Nebulizer
- IV. Acute illness, for mental health conditions, includes significant hallucinations/delusions, bizarre behavior or appearance, or risk of self-injury.
- V. First responders are trained to respond to emergency situations within 4 minutes after notification.

Reference:

2008 NCCHC Standard P-E-08, Emergency Services (essential)
 ACA Standard 4-4203
 Hutchins Facility Process A-08.2 Transfer of Offenders With Acute Conditions
 Hutchins Facility Process D-30.1 Hospital And Specialized Ambulatory Care
 UTMB CMC Pharmacy Policy 60-05
 Hutchins Facility Health Services Emergency Plan



Hutchins State Jail

Emergency Phone Numbers

Utilization Review & BATS (Bed Assignment & Transportation Services) 1-800-605-8165	
Y. Gilford, RN Facility Nurse Manager	817-491-3886 Home 917-929-9676 Cell
Tracy Murphy Practice Manager	972-890-5173 Cell
CMC Patient Evacuation Center	1-936-439-1300
PARKLAND HOSPITAL	214-590-8000 MAIN 214-590-8824 ER
HUTCHINS EMS	972-225-9137
SKYVIEW Crisis Management	1-903-683-5781
POISON CONTROL	1-800-222-1222
LAB CORP	972-566-7500
Pharmacy After Hours	1-936-436-2093

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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CIVIL NO. 4:14-CV-3253

Exhibit 55

CONSULTANT MANUAL

**206 North Washington, Suite 200
Alexandria, Virginia 22314**

